

REMARKS

Claims 3-5, 8 and 9 are pending. By this Response, claims 3, 4, 8 and 9 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action rejects claims 3-5, 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Toyofuku, et al. (US 2001/0048465) in view of Suzuki (US 5,724,579) and Thompson, et al. (US 5,930,514). This rejection is respectfully traversed.

Claims 3 and 4 have been amended to now recite, *inter alia*, a selection device in which a user selects, after displaying that a selected image is prohibited from being erased since the selected image relates to at least one of the plurality of images, collectively erasing the selected image and the images related to the selected image or not erasing all images related to the selected image.

Claims 8 and 9 now recite, *inter alia*, selecting by a user whether to collectively erase the selected image and all images relating to the selected image to be erased from the memory or not erase all images related to the selected image.

In embodiments of the present invention, upon selecting the image to erase if the image is determined to be part of a panoramic image, the image cannot be erased without further instruction from the user. A display device displays that the image is prohibited from being erased individually since it is related to other images. A selection device allows a user to determine whether to erase the image collectively with its related images or not erase any images related to the selected image.

Toyofuku, Suzuki and Thompson do not teach or suggest selecting by a user whether to collectively erase the selected image and all the images relating to the selected image to be

erased from the memory or not erase all images related to the selected image, as recited in the independent claims with respect to embodiments of the present invention.

Toyofuku teaches a photographing device that obtains images and classifies those images into various groups stored in the photographic device. A protection code is associated with certain images if they are related to a panoramic image. If a user desires to erase an image that is included in the protection code, a warning is issued indicating that this particular image is protected. The user can then continue to erase the image or decide not to erase the image. The user performs this erasing manually by selecting the individual image to be erased and independently erasing each individual image. See paragraphs 136-149.

In Toyofuku, a warning that the image selected is related to other images is provided to the user. The user can continue to erase the image if desired. Toyofuku does not teach collectively erasing images or allowing a user to select whether to collectively erase the images associated with the panoramic or consecutively captured images or not erase any images related to the selected image.

Suzuki teaches an image processing apparatus that creates subordinate images from a single main captured image. The subordinate images are images created from the main image itself and are not separately captured images. If a user desires, the subordinate images may be erased collectively with the main image. In Suzuki, when a collective erasing is accomplished, the main image and subordinate images are deleted together. This is accomplished by deleting the main image which then automatically deletes the subordinate images. See column 5, lines 60 through column 6, line 17. Suzuki does not teach giving a user the option to select whether to collectively erase the selected image with its related images or not erase any images related to the selected image.

Further, Thompson teaches erasing related files stored in a computer. A files tracking module creates and maintains a database of files related to certain programs or systems. Thompson's system is concerned with storing related program and system files, not images. Although Thompson teaches a collective erasing of files related in some manner, it does not teach or suggest erasing collectively panoramic or consecutively captured images.

Further, it is logical in Thompson's system to delete all files associated with a particular program as these files become unnecessary once the program file is deleted. However, in a case of a selected image and its related images, it is not necessarily the case that images related to the selected images are unnecessary. In embodiments of the present invention, when a user selects collectively erasing a selected image with its related images, the user's will is reflected allowing this erasing to occur. Except for the user making a selection to erase the selected image and its related images, the selected image and its related images are not erased. The selection performed by a user and the collective erasing recited in embodiments of the claimed present invention, is not taught by Thompson.

Therefore, the combination of Toyofuku, Suzuki and Thompson fail to teach or suggest providing a display option as recited in independent claims 3, 4, 8 and 9 recited above.

Further, applicants note that one of ordinary skill would not look to Suzuki to find the teachings of collectively erasing of panoramic or consecutively captured images absent in Toyofuku. Applicants respectfully submit that Suzuki fails to teach panoramic or consecutively captured images being collectively erased. The failure to teach collectively erasing panoramic or consecutively captures images precludes the rejection from meeting the criteria set by 35 U.S.C. §103 in which element of the claim must be taught by the references or by one of ordinary skill in the art. Applicants respectfully submit that Suzuki teaches obtaining from a single "main"

image samples of that “main” image which are labeled as “subordinate” images and are therefore related to the main image as such. Although Suzuki teaches collectively erasing related images, it does not teach that these relates images are based upon a panoramic image or consecutively captured images. Therefore, Suzuki fails to teach the claimed features and one of ordinary skill would not look to Suzuki to obtain the teaching of collectively erasing panoramic or consecutively captured images.

The Office Action states that “it is viewed by the Examiner that a panoramic image is a main image that is associated with several subordinate images.” Applicants respectfully submit that the interpretation of panoramic image by the examiner is inconsistent with the general understanding of panoramic images according to both applicant’s disclosure and also Toyofuku’s teachings. Toyofuku discusses panoramic images in terms of number of panoramic photographed frames. Thus, a multitude of separate photographed frames (images). In fact, Toyofuku specifically states that a single captured frame is not a panoramic image. Toyofuku states “when the number of frames constituting a panorama image separated by erasing the image data is only one, the image is not a panorama image.” See paragraph 139. Applicants disclosure defines a panoramic image similarly as a collection of captured images.

Thus, Suzuki does not teach or suggest panoramic images as defined in the present invention or by Toyofuku, but instead teaches a single image from which subordinate images defining areas of the single image are taken. Therefore, Suzuki does not teach or suggest collectively erasing panoramic images as recited in claims 3 and 8 or separating and consecutively capture the images as recited in claims 4 and 9. Thus, one of ordinary skill in the art would not rely on Suzuki’s teachings to provide this feature of applicants claims absent in Toyofuku.

In view of the above, applicants respectfully submit that the combination of Toyofuku, Suzuki and Thompson fail to teach each and every feature of applicant's independent claims 3, 4, 8 and 9 as required. Dependent claim 5 is also distinguishable over the cited art for the reasons above as well as for the additional features it recites. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 3-5, 8 and 9 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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